PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

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REED, T., David The Procter & Gamble Company 5299 Spring Grove Avenue Cincinnati, OH 45217-1087 ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 18 September 2000 (18.09.00)	
Applicant's or agent's file reference 7360/JP	IMPORTANT NOTIFICATION
International application No. PCT/US99/27317	International filing date (day/month/year) 18 November 1999 (18.11.99)
International publication date (day/month/year) 02 June 2000 (02.06.00)	Priority date (day/month/year) 25 November 1998 (25.11.98)

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the
 International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise
 indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority
 document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- 2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
- 3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- 4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT receiving Office	<u>Date of receipt</u> of priority document
25 Nove 1998 (25.11.98)	60/109,834	US	08 Augu 2000 (08.08.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Lazar Joseph Panakal
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

F. ENT COOPERATION TREA

From the INTERNATIONAL BUREAU To: **PCT Assistant Commissioner for Patents NOTIFICATION OF ELECTION** United States Patent and Trademark Office (PCT Rule 61.2) **Box PCT** Washington, D.C.20231 **ETATS-UNIS D'AMERIQUE** Date of mailing (day/month/year) in its capacity as elected Office 25 July 2000 (25.07.00) Applicant's or agent's file reference International application No. 7360/JP PCT/US99/27317 Priority date (day/month/year) International filing date (day/month/year) 25 November 1998 (25.11.98) 18 November 1999 (18.11.99) **Applicant** WOO, Ricky, Ah-Man et al 1. The designated Office is hereby notified of its election made: X in the demand filed with the International Preliminary Examining Authority on: 18 May 2000 (18.05.00) in a notice effecting later election filed with the International Bureau on: 2. The election was was not made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Claudio Borton

Telephone No.: (41-22) 338.83.38

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14

Applicant's o	or age	nt's file reference	FOR FURTHER AC	TION		cation of Transmittal of International y Examination Report (Form PCT/IPEA/416)
Internationa	Lannli	cation No.	International filing date (d	ay/month	 v/year)	Priority date (day/month/year)
PCT/US9			18/11/1999		.,,	25/11/1998
	l Pater		Lional classification and IPC			
Applicant THE PRO	OCTE	R & GAMBLE COMPA	ANY et al.			
1. This ir and is	nterna trans	tional preliminary exami mitted to the applicant a	nation report has been p ccording to Article 36.	orepared	j by this Inte	ernational Preliminary Examining Authority
2. This F	REPO	RT consists of a total of	9 sheets, including this	cover sl	heet.	
be (s	een ai ee Ri	mended and are the bas	sis for this report and/or s 07 of the Administrative	sheets c	containing re	on, claims and/or drawings which have ectifications made before this Authority he PCT).
3. This re	eport	contains indications rela	iting to the following item	ns:		
1	_	Basis of the report				
, 11	_	Priority				
 III			pinion with regard to no	velty, inv	ventive step	and industrial applicability
IV		Lack of unity of invention		•		
٧	☒		nder Article 35(2) with re ons suporting such state		novelty, inv	rentive step or industrial applicability;
VI	\boxtimes	Certain documents cité	ed .			
VII	\boxtimes	Certain defects in the in	nternational application			
VIII	×	Certain observations or	n the international applic	ation		
				-		
Date of sub	missio	n of the demand		Date of	completion o	f this report
18/05/20	00			16.02.2	001	
		address of the internationa	ıl	Authoriz	zed officer	SOP MEDIES MIDNING

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D-80298 Munich



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/27317

I.	Bas	is ftherprt	
1.	resp the	oonse to an invitatio	rawn on the basis, of (substitute sheets which have been furnished to the receiving Office in an under Article 14 are referred to in this report as "originally filed" and are not annexed to not contain amendments (Rules 70.16 and 70.17).):
	1-67	7	as originally filed
	Clai	ms, No.:	
	1-15	5	as originally filed
2.	With lang	n regard to the lang Juage in which the i	juage, all the elements marked above were available or furnished to this Authority in the international application was filed, unless otherwise indicated under this item.
	The	se elements were a	available or furnished to this Authority in the following language: , which is:
		the language of a	translation furnished for the purposes of the international search (under Rule 23.1(b)).
		the language of pu	ublication of the international application (under Rule 48.3(b)).
		the language of a 55.2 and/or 55.3).	translation furnished for the purposes of international preliminary examination (under Rule
3.			electide and/or amino acid sequence disclosed in the international application, the y examination was carried out on the basis of the sequence listing:
		contained in the in	ternational application in written form.
		filed together with	the international application in computer readable form.
		furnished subsequ	ently to this Authority in written form.
		furnished subsequ	ently to this Authority in computer readable form.
			t the subsequently furnished written sequence listing does not go beyond the disclosure ir pplication as filed has been furnished.
		The statement tha listing has been fu	t the information recorded in computer readable form is identical to the written sequence rnished.
4.	The	amendments have	e resulted in the cancellation of:
		the description,	pages:
		the claims,	Nos.:
		the drawings,	sheets:
5.			en established as if (some of) the amendments had not been made, since they have been beyond the disclosure as filed (Rule 70.2(c)):



INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No. PCT/US99/27317

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

- 6. Additional observations, if necessary:
- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes:

Claims

No:

Claims 1-5

Inventive step (IS)

Yes:

Claims

No:

Claims 6-15

Industrial applicability (IA)

Claims 1-15 Yes: Claims

No:

- 2. Citations and explanations see separate sheet
- VI. Certain documents cited
- 1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted: see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made: see separate sheet

INTERNATIONAL PRELIMINARY **EXAMINATION REPORT - SEPARATE SHEET**

Certain observations on the international application Re Item VIII The subject matter of claim 1 is unclear (Art. 6 PCT) for the following 1. reasons: Claim 1 refers to an effective amount of cyclodextrin (CD) capable of 1.1 absorbing malodors as component (A) of the composition. However, the definition of "malodor" is not clear and consequently it is also not clear what an "effective amount" would be. Furthermore, it seems that the definition of an "effective amount" of even a known malodorous compound would not be objectively determinable. Moreover, nature of "absorb" also seems unclear for instance in terms of whether it is intended to define that CD per se is capable of binding the malodorous compounds. Also the state of the CD is unclear. It is said that the CD is uncomplexed. 1.2 However, it seems that a wide range of the further (optional) constituents in the claimed composition such as the surfactant would readily form complexes with CD. Also the definition of component (B) is unclear due to the reference to "an 1.3 effective amount to improve acceptance of the composition". Firstly it is not clear what is meant by "acceptance" and under which conditions the composition must be accepted. Secondly any "effective amount" is subjective and would depend almost entirely on the circumstances for the assessment. Furthermore, the droplet size is defined by stating that it "will not readily 1.4 interact" with the CD. It is not clear what is meant by "interact" and to which degree or under which conditions any such interaction is considered to be allowable in view of the term "readily".

Even further, it is not clear what is intended to be defined by the

statement of (A) and (B) being "compatible".

1.5



INTERNATIONAL PRELIMINARY International application No. PCT/US99/27317 EXAMINATION REPORT - SEPARATE SHEET

- 1.6 Finally the definition of the term "perfume" per se appears not to be precise. It seems that any compound altering the (perceived) scent of the composition can be considered as being a "perfume".
- The subject matter of the present claims is further rendered unclear (Art. 6 PCT) by statements in the description:
- 2.1 For instance on page 12, line 28 it is stated that the perfume can be present at levels ranging from "about 0%". This implies that the presence of perfume according to the invention is entirely optional.
- 2.2 Moreover, on page 13, lines 2-6 it is unambiguously stated that "any type of perfume" is applicable for the purpose of the invention, apparently as long as it essentially does not complex with (all of) the CD. Applicable perfumes apparently also comprise hydrophilic compounds which have ClogP values of less than 3 contrary to the requirements stated in present claim 1 [vide page 13, lines 22-23].
- The above mentioned lack of clarity and inconsistencies between the claimed subject matter and the description make it unclear what the applicant considers as being the invention and which technical problem is considered to be solved over the prior art (R. 5.1(a)(iii) and 6.3(a) PCT).
- 3.1 As far as the present invention can be understood (in view also of the cited prior art) it essentially relates to the incorporation of "enduring" perfume compositions in stable aqueous compositions comprising uncomplexed CD to be used for the treatment, prevention and/or masking of malodors. The perfumes assumed suitable for providing "endurance" are substantially (only) hydrophobic (ClogP > 3). However, these perfumes exhibit the problem of having a tendency to complex with the CD [the description page 13, lines 24-29 and page 14, lines 5-6].
- 3.2 From reading claim 1 one gets the impression that this problem is to be solved by applying the perfume as an emulsion or dispersion where the





International application No. PCT/US99/27317

droplets are to have a certain size which will prevent the perfume from complexing with the CD.

- However, this feature apparently responsible for the desired effect is 3.3 merely functionally defined by its desired property of not "readily interacting" with the CD rather than by the structural, technical features capable of providing said properties (R. 6.3(a) PCT). The claimed subject matter thus has the character of a mere desideratum (Art. 6 PCT, PCT Guidelines III-4.7).
- Moreover, in the description it has apparently not been disclosed what 3.4 the actual droplet size should (or even could) be in order to obtain the desired effect, and the invention is thus not considered sufficiently disclosed (Art. 5 PCT).
- The subject matter of claim 4 is unclear and inconcise (Art. 6 PCT) as it 4. comprises a list of various overlapping both generic and specific definitions. For instance it is not clear in which respect quaternary ammonium cyclodextrins are to be considered as being different from cationic cyclodextrins.
- The subject matter of claim 6 is unclear (Art. 6 PCT) as it in part defines 4.1 the composition in terms of implied process steps ("is formed", "before"). Process features in the Present Tense render the intended scope of a product claim unclear (Art. 6 and R. 6.3(a) PCT).
- Claims 6 and 9 refer to a "compatible" surfactant. It is not clear (Art. 6 4.2 PCT) what falls within such definition.
- Regarding claims 7 and 11 it appears that when d is 0 there will be no co-4.3 polymer as otherwise required (Art. 6 PCT).
- It is not clear (Art. 6 PCT) what is meant by "improved odor control" in 4.4 claim 12. Moreover, it is unclear (Art. 6 PCT) why two ranges for the amount of polyacrylate is given.

INTERNATIONAL PRELIMINARY



International application No. PCT/US99/27317

EXAMINATION REPORT - SEPARATE SHEET

The use of the vague and unclear term "about" in the claims for defining 4.5 endpoints of ranges leaves the reader in doubt as to the actual boundaries of the ranges, thereby rendering the definition of the subject matter of said claims unclear (Article 6 PCT).

Reasoned statement under Rule 66.2(a)(ii) with regard to nov lty, Re Item V inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

WO 96 04937 A (PROCTER & GAMBLE) 22 February 1996 (1996-02-D1: 22)

- As far as the present invention can be understood the following 1. assessment applies.
- The use of stable aqueous compositions comprising e.g. 3-5 weight-% 1.1 uncomplexed cyclodextrin e.g. in terms of methylated beta-cyclodextrin and a perfume for treatment of malodor is well known in the prior art, cf. the abstract of D1. The composition of D1 preferably employs hydrophilic perfume i.e. having a ClogP of about 3 or less [page 21, lines 3-4].
- As D1 explicitly discloses perfumes having a ClogP of about 3 for use in 1.2 compositions of the present kind and these (cf. being applicable for the present invention) inherently are applied at least to some extent as a dispersion or emulsion the subject matter of present claims 1-5 is not considered novel over D1 (Art. 33(2) PCT).
- Also the use of surfactants and similar additives in compositions of the 2. present kind is known [D1, page 27, line 16ff].





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EXAMINATION REPORT - SEPARATE SHEET

- 2.1 Lacking any evidence that a particular technical effect is obtained by the use of the specific compounds mentioned in claims 6-12, the presence of such conventional products cannot be seen to contribute to solving any technical problem in any non-obvious way. Accordingly the subject matter of said claims is considered to lack an inventive step (Art. 33(3) PCT).
- The use of a spray dispenser for distributing a composition of the present kind is known [D1 page 29, lines 33ff].
- 3.1 No particular effect except for "a good distribution" can be seen to be provided by dispensing the composition at a certain mist droplet size.

 Accordingly the subject matter of independent claims 13 and 14 is considered obvious if not even inherently known (Art. 33(3) PCT)
- 4. Regarding independent claim 15 it only states obvious steps for producing the known or at least obvious compositions of claims 1-12. Accordingly the subject matter of claim 15 is considered to lack an inventive step (Art. 33(3) PCT).
- 5. Industrial applicability is self-evident for the subject matter of all claims (Art. 33(4) PCT).

Re Item VI Certain documents cited

Certain published documents (Rule 70.10)

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 98 56888 A	17.12.1998	09.06.1998	09.07.1997
WO 99 55815 A	04.11.1999	08.12.1998	27.04.1998

WO 99 55815 A has an earlier priority date, but is published after the priority date of the present application (25.11.1998). WO 98 56888 A is filed before, but published after the

INTERNATIONAL PRELIMINARY

International application No. PCT/US99/27317

EXAMINATION REPORT - SEPARATE SHEET

priority date of the present application. The documents are thus not citable for the purpose of the International Preliminary Examination (R. 64(3) PCT).

However, it is worth mentioning that the disclosure of both WO 98 56888 A and WO 99 55815 A appears to be relevant, cf. also the X-classification in the International Search Report.

Furthermore, it should be noted that both said applications are the present applicant's own applications and are therefore relevant for an assessment of the validity of the priority claim, cf. Paris Convention Art. 4.A(1) and 4.C(4). To the extent said published documents anticipate subject matter of the present application its priority is invalid, and any such subject matter would consequently also lack novelty.

Certain defects in the international application Re Item VII

- Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant 1. background art disclosed in the cited document is not mentioned in the description, nor is this document identified therein.
- The independent claims are not in the two-part form in accordance with 2. Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).



(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference		of Transmittal of International Search Report
7360/JP	ACTION (Form PC 1/ISA/2	20) as well as, where applicable, item 5 below.
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/US 99/27317	18/11/1999	25/11/1998
Applicant		<u> </u>
THE PROCTER & GAMBLE COMP	ANY et al.	
This International Search Report has been according to Article 18. A copy is being tra	n prepared by this International Searching Auth	nority and is transmitted to the applicant
according to Article 10. A copy is being the		
This International Search Report consists	of a total of3 sheets.	
X It is also accompanied by	a copy of each prior art document cited in this	report.
1. Basis of the report		
a. With regard to the language, the	international search was carried out on the bas	sis of the international application in the
language in which it was filed, unl	ess otherwise indicated under this item.	
the international search w Authority (Rule 23.1(b)).	as carried out on the basis of a translation of the	he international application furnished to this
b. With regard to any nucleotide an		ternational application, the international search
was carried out on the basis of the	e sequence listing : anal application in written form.	
	rnational application in computer readable for	n.
furnished subsequently to	this Authority in written form.	
furnished subsequently to	this Authority in computer readble form.	
	sequently furnished written sequence listing d s filed has been furnished.	oes not go beyond the disclosure in the
the statement that the info	ormation recorded in computer readable form is	s identical to the written sequence listing has been
2. Certain claims were fou	nd unsearchable (See Box I).	
3. Unity of invention is lac	· · ·	
4. With regard to the title ,		
the text is approved as su	, ,,	
the text has been establis	hed by this Authority to read as follows:	
5. With regard to the abstract,		
the text is approved as su	bmitted by the applicant. hed, according to Rule 38.2(b), by this Authori:	ty as it appears in Box III. The applicant may
	date of mailing of this international search rep	
6. The figure of the drawings to be publ	ished with the abstract is Figure No.	_
as suggested by the appli		None of the figures.
because the applicant fail	•	
because this ligure better	characterizes the invention.	

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A61L9/01 A61L9/14

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61L

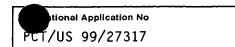
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUM	ENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.	
X.	WO 96 04937 A (PROCTER & GAMBLE) 22 February 1996 (1996-02-22) claims 1-3,5 page 11, line 18 - line 24 page 27, line 16 -page 28, line 11	1-5,9-15	
A/	EP 0 593 809 A (BETA PICTORIS INC) 27 April 1994 (1994-04-27)	1	
A/	EP 0 480 812 A (COLGATE PALMOLIVE CO) 15 April 1992 (1992-04-15) page 4, line 25 - line 56	1,9	
A	EP 0 131 394 A (CLOROX CO) 16 January 1985 (1985-01-16) page 6, line 8 - line 19		
	-/		

X Further documents are listed in the continuation of box C.	Patent family members are listed in annex.
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filling date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filling date but later than the priority date claimed 	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search	Date of mailing of the international search report
13 April 2000	26/04/2000
Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Muñoz, M

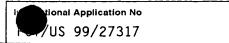
1



	tion) DOCUMENTS CONSIDERED TO BE RELEVANT	Indiana di Alamania
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Р,Х	WO 98 56888 A (PROCTER & GAMBLE) 17 December 1998 (1998-12-17) claims	1-5,9-15
Р,Х	WO 99 55815 A (PROCTER & GAMBLE) 4 November 1999 (1999-11-04) claims	1-5,9-15
		· .

1

on on patent family members



							US 99/2/31/
Patent document cited in search report		Publication date			atent family member(s)	,	Publication date
WO 9604937	A	22-02-1996		US CA CN CZ EP HU JP TR US	57141 21974 11597 97004 07749 766 105039 9601 56680	41 A 62 A 02 A 78 A 79 A 53 T 39 A	03-02-1998 22-02-1996 17-09-1997 16-07-1997 28-05-1997 28-10-1997 14-04-1998 21-06-1996 16-09-1997
EP 0593809	Α	27-04-1994	<i></i>	NONE			
EP 0480812	Α .	15-04-1992	<i>J</i>	US AU AU CA	51805 6344 84540 20520	20 B 91 A	19-01-1993 18-02-1993 16-04-1992 10-04-1992
EP 0131394	A	16-01-1985	J	AT CA ES ES JP JP JP MX US	12176 5344 87048 5573 88025 19820 60997	03 D 87 A 533 D 35 A 89 C 04 B 99 A	15-03-1988 07-02-1987 01-05-1987 01-07-1987 16-07-1988 16-10-1988 25-10-1995 07-12-1994 26-01-1985 09-05-1989 26-07-1988
WO 9856888	A	17-12-1998		US US US AU EPP US WO WO US AU WO WO WO WO WO WO	59550 59422 60336 43569 79610 09880 09883 09883 59684 98568 98568 98568 60013 59977 17110 17111 18046 99558 99558	179 1998 1644 1665 1664 1665 1665 1665 1665 1665	21-09-1999 24-08-1999 07-03-2000 30-12-1998 30-12-1998 29-03-2000 29-03-2000 29-03-2000 19-10-1999 17-12-1998 17-12-1998 17-12-1998 17-12-1998 17-12-1999 07-12-1999 06-11-1999 16-11-1999 04-11-1999 04-11-1999
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on on patent family members



Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 9955815 A	<u> </u>	AU	1804699 A	16-11-1999
		EΡ	0988364 A	29-03-2000
		EP	0988365 A	29-03-2000
		WO	9856888 A	17-12-1998
		WO	9856890 A	17-12-1998
		WO	9955813 A	04-11-1999
		WO	9955814 A	04-11-1999